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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/813,818 | 03/31/2004 | Ninianc Wang | 24207-10097 | 5059 |

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| EXAMINER | |
|---|---|
| HUNG, YUBIN | |
| ART UNIT | PAPER NUMBER |
| 2624 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/813,818 | WANG ET AL. | |
| | Examiner | Art Unit | |
| | YUBIN HUNG | 2624 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2,4-6,8,10-12,14-24,26-28,30,32-34,36-44 and 47-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,8,10-12,14-24,26-28,30,32-34,36-44 and 47-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/03/08 has been entered.

2. Claims 1, 2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44 and 47-55 are still pending.

3. Applicant's amendments have rendered moot the 35 USC § 102 and 103 rejections. However, upon further consideration, a new ground(s) of rejection is made.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, 47 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847), in view of Bates et al. (US 6,456,307).

6. Regarding claim 1, and similarly claims 2, 4, 11, 18-20, 22-24, 26, 33, 40-42 and 44, Johnson discloses

- receiving image data associated with an article, the image data identifying a plurality of images within the article; and
  determining a plurality of image data signals for the plurality of images based at least in part on the image data
  [Abstract; Figs. 7 (especially 1826-1838) and 8 (image URL's are considered image data) and paragraphs 33-43. An article with associated image data is received to, among other things, determine image data signal such as JPEG and GIF images associated with the article]
- determining a plurality of image data scores for the plurality of images based at least in part on the plurality of image data signals and the article
  [Paragraph 35, lines 1-15, especially 11-12. Note that the representative image for a document (i.e., article) is selected based on its relative position (considered a score) in the article. Note further that the relative position for each image is a relation between the image and the article]

- comparing the plurality of image data scores for the plurality of images to a predefined threshold

  [P4, left column, lines 1-7. Note that while the threshold that is expressly disclosed here is applied to the score that is image height, it would have been obvious to one of ordinary skill in the art to apply the thresholding to the score that is the relative position in order to select the most prominent one which, as Johnson indicates in paragraph 35, lines 13-15, gives the greatest clue to the true nature and content of the article]

- selecting an image from within the article as a representative image for the article responsive to an image data score associated with the selected image being greater than the predefined threshold

  [Paragraph 35, lines 1-15, especially 11-12. Note that the representative image for a document (i.e., article) is selected based on its relative position (considered a score) in the article. Note further that the relative position for each image is a relation between the image and the article. Note further that whether selection is made based on the score being greater or less than a threshold is a design choice because if "greater" is chosen, then a different score that is the negative of the original score, then using "less" in the selection will yield identical result]

Johnson does not expressly disclose the following, which is taught by Bates:

- selecting a default image from outside the article as a representative image for the article responsive to the plurality of image data scores for the plurality of images being below the predefined threshold
  [Figs. 16-21 and Col. 14, line 24-Col. 21, line 18; especially Fig. 16, ref. 1635, Fig. 18, refs. 1805, 1810 & 1890, Col. 14, lines 51-58 and Col. 17, lines 22-37. Note that the representative image (i.e., icon) thus selected is from outside the article. Note further that, as Bates indicates in Col. 2, lines 1-12, there is a need to create icons that are easily distinguishable. Therefore if no image is selected because none has a score higher than the threshold, then it would have been obvious to use the default icon to represent the article]

Therefore it would have been obvious to one of ordinary skill in the art to modify Johnson with the teachings of Bates as recited above to obtain the invention of claim 1. The reasons for doing so at least would have been to be able to still have an image (icon) representing a browser and the article being displayed by that browser that is distinguishable (when the browser is minimized), as Bates indicates in Col. 1, line 48-Col. 2, line 26, even when no images in the article has a high enough score.

7. Regarding claim 5, and similarly claim 27, Johnson further discloses selecting the most prominent image (as reflected by the relative position (considered a score) of image in the article, among other things) [paragraph 35 and per the analysis of claim 1 above].

8. Claims 12, 14-16, 34, 36-38 are similarly analyzed and rejected as per claim 1 above especially per Fig. 8 of Johnson.

9. Regarding claim 6, and similarly claim 28, note that Figs. 10 and 12 of Johnson disclose displaying image with context. Additionally, Official Notice is taken that it is well known to display a representative image (the one with the highest score) along with its score and the reason for modifying Johnson to do so would have been to convey to user the confidence in having the image represent the article.

10. Regarding claim 8, and similarly claim 30, note that per the analysis of claim 1 above, the combined invention of Johnson and Bates discloses selecting images from both within and outside of (as a default) an article as candidates to represent the article and Johnson discloses determining a score to images from within the article. Regarding the default image from outside of the article, one can either determine a score to the default image or not. While not expressly disclosed, it would have been obvious to one of ordinary skill in the art to also determine a score for the default image, and the reasons for doing so would at least have been that given a scoring metric, the default image may has a score lower than any of those images from the article and therefore may not be the optimal representative, as would have been obvious to one of ordinary skill in the art.

11. Claims 10, and similarly claims 32, is similarly analyzed and rejected as per the analyses of claims 5 and 8 above.

12. Regarding claim 17, and similarly claim 39, Official Notice is taken that it is well known in the art to use one of the recited images (such as a no image available icon) as the default and the reason for modifying Johnson to do so would have been to be able to convey to the user the non-existence of any image associated with the article to display.

13. Regarding claim 21, and similarly claim 43, Official Notice is taken that it is well known in the art to include both an article associated with a client and an article associated with the network in the search result and the reason for modifying Johnson to do so would have been to search as wide as possible (i.e., in addition to client only, also search the network) in order to provide both locally available and externally available results.

14. Regarding claim 55, it is similarly analyzed and rejected as per the analyses of claims 1 and 8.

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15. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) and Bates et al. (US 6,456,307) as applied to claims 1, 2, 4-6, 8,

10-12, 14-24, 26-28, 30, 32-34, 36-44 and 47 above, and further in view of Matsuda et al. (US 2002/0065841).

16. Regarding claim 47, the combined invention of Johnson and Bates discloses all limitations of its parent, claim 1 except the following, which is taught by Matsuda:

- wherein the image data score for an image is determined based at least in part on a file name described by an image data signal associated with the image [Fig. 6; Paragraph 53]

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention of Johnson and Bates with the teachings of Matsuda as recited above to obtain the invention as specified in claim 47. The reasons for doing so at least would have been because file type indicate the relative importance of the file, as Matsuda indicates in paragraph 50, especially lines 1-2.

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17. Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) and Bates et al. (US 6,456,307) as applied to claims 1, 2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, 47 and 55 above, and further in view of Wynblatt et al. ("Web Page Caricatures: Multimedia Summaries for WWW Documents," Proc. IEEE Int'l Conf. Multimedia Computing and Systems, 22 June-1 July 1998, pp. 194-199).

18. Regarding claims 48-51, the combined invention of Johnson and Bates discloses all limitations of their parent, claim 1 and Wynblatt further teaches using file size (Claim 48), frequency (Claims 48 & 49) and aspect ratio (Claim 51) in determining scores [Sect. 2.4, especially Table 2].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention of Johnson and Bates with the teachings of Wynblatt as recited above to obtain the invention as specified in claims 48-51. The reasons for doing so at least would have been because each feature in Table 2 indicates the relevancy of the image, as Wynblatt indicates in the 3rd paragraph of Sect. 2.4.

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19. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) and Bates et al. (US 6,456,307) as applied to claims 1, 2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, 47 and 55 above, and further in view of Toyama (US 6,816,847).

20. Regarding claim 52, the combined invention of Johnson and Bates discloses all limitations of their parent, claim 1 and Toyama further teaches using color distribution in determining scores [Fig. 3, ref. 302; Col. 1, line 57-Col. 2, line 4; Col. 7, lines 8-19].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention of Johnson and Bates with the teachings of Toyama as recited above to obtain the invention as specified in claim 52. The reasons for doing so at least would have been because of the correlation of color distribution with aesthetics, as Toyama indicates in Col. 1, lines 57-64.

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21. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) and Bates et al. (US 6,456,307) as applied to claims 1, 2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, 47 and 55 above, and further in view of Miyazaki et al. (US 6,380,983).

22. Regarding claim 53, the combined invention of Johnson and Bates discloses all limitations of their parent, claim 1 and Miyazaki discloses using a number of colors in determining the score [Col. 13, lines 38-50].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention of Johnson and Bates with the teachings of Miyazaki as recited above to obtain the invention as specified in claim 53. The reasons for doing so at least would have been because of the correlation of the number of colors with the image quality, as Miyazaki indicates in Col. 13, lines 37-39.

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23. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0107847) and Bates et al. (US 6,456,307) as applied to claims 1, 2, 4-6, 8, 10-12, 14-24, 26-28, 30, 32-34, 36-44, 47 and 55 above, and further in view of Zernik et al. (US 2002/0038299).

24. Regarding claim 54, the combined invention of Johnson and Bates discloses all limitations of their parent, claim 1 and Zernik further discloses using an image caption in determining the score [Fig. 5; Paragraphs 45-59, especially 45 and 55].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention of Johnson and Bates with the teachings of Zernik as recited above to obtain the invention as specified in claim 54. The reasons for doing so at least would have been because a caption can indicate the suitability of its associated image in representing the content of the page (a document), as Zernik indicates in line 1-6 on the right column of page 5].

***Contact Information***

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUBIN HUNG whose telephone number is (571)272-

7451. The examiner can normally be reached on 7:30 - 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 28, 2008